

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 604

Introduced by Dierks, 40

Read first time January 19, 1999

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to veterans; to amend sections 48-225,
2 80-401.01, 80-411, and 80-802, Reissue Revised Statutes
3 of Nebraska; to change provisions relating to periods of
4 service in the United States Armed Forces; to harmonize
5 provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-225, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-225. As used in sections 48-225 to 48-231, unless the
4 context otherwise requires:

5 (1) Veteran shall mean any person who served full-time
6 duty with military pay and allowances in the armed forces of the
7 United States, except for training or for determining physical
8 fitness, and was discharged under honorable conditions;

9 (2) Full-time duty shall mean duty during time of war or
10 during a period recognized by the United States Department of
11 Veterans Affairs as qualifying for veterans benefits administered
12 by the department and that such duty from January 31, 1955, to
13 ~~August 5, 1964~~ December 22, 1961, shall have exceeded one hundred
14 eighty days unless lesser duty was the result of a
15 service-connected or service-aggravated disability;

16 (3) Disabled veteran shall mean an individual who has
17 served on active duty in the armed forces of the United States, has
18 been separated therefrom under honorable conditions, and has
19 established the present existence of a service-connected disability
20 or is receiving compensation, disability retirement benefits, or
21 pension because of a public statute administered by the United
22 States Department of Veterans Affairs or a military department; and

23 (4) Preference eligible shall mean any veteran as defined
24 in this section.

25 Sec. 2. Section 80-401.01, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 80-401.01. For purposes of sections 80-401 to 80-412,
28 unless the context otherwise requires:

1 (1) Recognized veterans organization shall mean the
2 American Legion, the American Ex-Prisoners of War, the Disabled
3 American Veterans, the Military Order of the Purple Heart, the
4 Paralyzed Veterans of America, the Veterans of Foreign Wars of the
5 United States, the Vietnam Veterans of America, and any other
6 veterans organization which the Director of Veterans' Affairs
7 determines (a) is recognized by the United States Department of
8 Veterans Affairs for claims representation, (b) has a presence in
9 each of this state's congressional districts, and (c) maintains a
10 state headquarters sanctioned by its national organization;

11 (2) Veteran of the Spanish-American War shall mean a
12 person who served on active duty in the armed forces of the United
13 States between April 21, 1898, and July 4, 1902, and who received
14 an honorable discharge, or its equivalent, from such service or
15 who, being a citizen of the United States at the time of his or her
16 entry into such service, served with the military forces of any
17 government allied with the United States in that war;

18 (3) Veteran of World War I shall mean a person who served
19 on active duty in the armed forces of the United States between
20 April 6, 1917, and November 11, 1918, and who has received an
21 honorable discharge, or its equivalent, from such service or who,
22 being a resident of the United States at the time of his or her
23 entry into such service, served with the military forces of any
24 government allied with the United States in that war;

25 (4) Veteran of World War II shall mean a person who
26 served on active duty in the armed forces of the United States
27 between December 7, 1941, and December 31, 1946, and who received
28 an honorable discharge, or its equivalent, from such service or

1 who, being a citizen of the United States at the time of his or her
2 entry into such service, served with the military forces of any
3 government allied with the United States in that war and who
4 received an honorable discharge, or its equivalent, from such
5 service;

6 (5) Veteran of the Korean War shall mean a person who
7 served on active duty in the armed forces of the United States
8 between June 25, 1950, and January 31, 1955, and who received an
9 honorable discharge, or its equivalent, from such service or who,
10 being a citizen of the United States at the time of his or her
11 entry into such service, served with the military forces of any
12 government allied with the United States in that war and who
13 received an honorable discharge, or its equivalent, from such
14 service;

15 (6) Veteran of the Vietnam War shall mean a person who
16 served on active duty in the armed forces of the United States
17 between ~~August 5, 1964~~ December 22, 1961, and May 7, 1975, and who
18 received an honorable discharge, or its equivalent, from such
19 service or who, being a citizen of the United States at the time of
20 his or her entry into such service, served with the military forces
21 of any government allied with the United States in that war and who
22 received an honorable discharge, or its equivalent, from such
23 service;

24 (7) Veteran of Lebanon shall mean a person who served on
25 active duty in the armed forces of the United States between August
26 25, 1982, and February 26, 1984, and who received an honorable
27 discharge, or its equivalent, from such service or who, being a
28 citizen of the United States at the time of his or her entry into

1 such service, served with the military forces of any government
2 allied with the United States in that war and who received an
3 honorable discharge, or its equivalent, from such service;

4 (8) Veteran of Grenada shall mean a person who served on
5 active duty in the armed forces of the United States between
6 October 23, 1983, and November 23, 1983, and who received an
7 honorable discharge, or its equivalent, from such service or who,
8 being a citizen of the United States at the time of his or her
9 entry into such service, served with the military forces of any
10 government allied with the United States in that war and who
11 received an honorable discharge, or its equivalent, from such
12 service;

13 (9) Veteran of Panama shall mean a person who served on
14 active duty in the armed forces of the United States between
15 December 20, 1989, and January 31, 1990, and who received an
16 honorable discharge, or its equivalent, from such service or who,
17 being a citizen of the United States at the time of his or her
18 entry into such service, served with the military forces of any
19 government allied with the United States in that war and who
20 received an honorable discharge, or its equivalent, from such
21 service;

22 (10) Veteran of the Persian Gulf War shall mean a person
23 who served on active duty in the armed forces of the United States
24 beginning on August 2, 1990, and ending on the date thereafter
25 prescribed by presidential proclamation or by law, and who received
26 an honorable discharge, or its equivalent, from such service or
27 who, being a citizen of the United States at the time of his or her
28 entry into such service, served with the military forces of any

1 government allied with the United States in that war and who
2 received an honorable discharge, or its equivalent, from such
3 service;

4 (11) Active duty shall mean full-time duty in the armed
5 forces other than active duty for training; and

6 (12) Active duty for training shall mean full-time duty
7 in the armed forces performed by reserves for training purposes.

8 Sec. 3. Section 80-411, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 80-411. (1) The University of Nebraska, the state
11 colleges, and the community colleges shall waive all tuition on
12 behalf of a dependent of a veteran pursuant to this section. A
13 person shall be eligible for the waiver if he or she meets the
14 following requirements:

15 (a) He or she is a resident of this state;

16 (b) He or she has a parent, stepparent, or spouse who was
17 a member of the armed forces of the United States and who:

18 (i) Died of a service-connected disability in World War I
19 as defined in section 80-401.01;

20 (ii) Died of a service-connected disability on December
21 7, 1941, or subsequently until such future date as determined by
22 the Legislature;

23 (iii) Died subsequent to discharge as a result of injury
24 or illness sustained while a member of the armed forces which may
25 or may not have resulted in total disability;

26 (iv) Is permanently and totally disabled as a result of
27 military service during such periods; or

28 (v) While a member of the armed forces of the United

1 States, is classified as missing in action or as a prisoner of war
2 during armed hostilities after ~~August 4, 1964~~ December 22, 1961,
3 and either (A) was a resident of this state at the time he or she
4 entered the armed forces or (B) is a resident of or is married to a
5 resident of this state at the time the applicant would attend a
6 state educational institution under this section; and

7 (c) If he or she is a child or stepchild of a person
8 described in subdivision (1)(b) of this section, he or she is under
9 the age of twenty-six years unless he or she serves on duty with
10 the armed forces after his or her eighteenth birthday but before
11 his or her twenty-sixth birthday, in which case such period shall
12 end five years after his or her first discharge or release from
13 such duty with the armed forces, but in no event shall such period
14 be extended beyond the thirty-first birthday.

15 Residence requirements for the waiver shall be the same
16 as provided in section 80-403. Permanent and total disability
17 shall not include total ratings or other temporary ratings but
18 shall include total ratings based on individual unemployability if
19 permanent.

20 (2) An application for a waiver shall be submitted
21 through one of the recognized veterans organizations or any county
22 service officer on a form to be prescribed by the Director of
23 Veterans' Affairs. The organization or county service officer
24 shall thoroughly investigate to determine if the applicant is
25 eligible for the waiver and transmit a recommendation for action on
26 the application to the director.

27 (3) If the director determines that the applicant is
28 eligible for the waiver, the director shall so certify to the

1 institution in which the applicant desires to enroll. The decision
2 of the director shall, in the absence of fraud or misrepresentation
3 on the part of the applicant, be final and shall be binding upon
4 the applicant and upon the institutions specified in this section.
5 The director shall adopt and promulgate reasonable rules and
6 regulations for the administration of this section.

7 (4) The waiver shall be valid for one degree, diploma, or
8 certificate from a community college and one baccalaureate degree.
9 Receipt of such degree, diploma, or certificate from a community
10 college shall precede receipt of such baccalaureate degree.

11 Sec. 4. Section 80-802, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 80-802. As used in sections 80-801 to 80-806, unless the
14 context otherwise requires:

15 (1) Qualified veteran shall mean any veteran who:

16 (a) Served on active duty in the armed services of the
17 United States for a period of more than one hundred eighty days, a
18 part of which service was after ~~August 5, 1964~~ December 22, 1961,
19 and prior to such time as Congress declares a cessation of
20 hostilities, and who was discharged or released from such service
21 under conditions other than dishonorable; and

22 (b) Was a resident of Nebraska for at least one year
23 immediately preceding his or her entry on active duty, and who
24 returned to and has continued to reside in Nebraska following his
25 or her discharge or release from active duty and continues to
26 reside in Nebraska during the period in which he or she is enrolled
27 in an approved course of training;

28 (2) Approved course of training shall mean any degree or

1 nondegree curriculum or course of study to be pursued on at least a
2 half-time basis for at least one academic year or the equivalent
3 thereof at an approved institution of higher learning or, in the
4 case of any veteran who has not received a high school diploma or a
5 certificate of high school equivalency at the time of his or her
6 discharge or release from active service, approved course of
7 training shall include such additional high school training as he
8 or she may need to qualify for admission to a postsecondary
9 curriculum or course of study or to obtain a high school diploma to
10 meet requirements for employment;

11 (3) Approved institution of higher learning shall mean
12 any state-supported community college, college, or university in
13 this state;

14 (4) Maker shall mean any qualified veteran to whom a loan
15 is made under the provisions of sections 80-801 to 80-806; and

16 (5) Principal shall mean the total amount borrowed under
17 the provisions of sections 80-801 to 80-806.

18 Sec. 5. Original sections 48-225, 80-401.01, 80-411, and
19 80-802, Reissue Revised Statutes of Nebraska, are repealed.